

Remarks**Status of the Claims**

Claims 1-64 are pending in the application. All claims stand rejected. By this paper, claims 1, 12, 18, 21, 23, 29, 32, 38, 41, 52, 58, and 61-64 have been amended. Specifically, claims 1, 21, 41, and 61-64 have been amended to obtain claim coverage commensurate with the scope of the invention. Claims 18, 23, 29, 38, and 58 have been amended to correct informalities noticed by Applicant. Claims 12, 32, and 52 have been amended to remedy indefiniteness rejections set forth in the Office Action. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 12, 32, and 52 stand rejected under 35 U.S.C. § 112 as containing indefinite claim language. Applicant has herein amended claims 12, 32, and 52 to remove the phrase "such as," and thereby cure the indefiniteness issue noted by the Examiner.

Claim Rejections - 35 U.S.C. § 103

Claims 1-64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,259,469 issued to Ejima et al. ("Ejima") in view of U.S. Patent No. 5,710,591 issued to Bruno et al. ("Bruno"). As set forth below, Applicant respectfully

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submits that each of the pending claims is patentably distinct from the cited references, individually and collectively.

None of the cited prior art, whether considered alone or in combination, teaches or suggests the limitations recited in any of Applicant's independent claims. Each of the pending independent claims recites, in one form or another, enabling communication between a first video-enabled device and a second non-video-enabled device. Each of the pending independent claims also recites, in one form or another, **determining that the second device is not capable of displaying video signals, establishing two-way audio communication with the second device, and capturing and caching video signals generated by the first device during the two-way audio communication.**

This series of steps/functions is counter-intuitive to one having ordinary skill in the art. More specifically, once a determination has been made that a device with which a communication has been established is not video enabled, the intuition of someone having ordinary skill in the art would be to shut down or discard the video signal from the video-enabled device. The user of the non-video-enabled device would, after all, be unable to view the video signal due to the inherent limitations in the device he or she is using. The teachings of Ejima are in accordance with this conventional thinking.

Ejima is primarily concerned with communications between two video-enabled devices. See, e.g., col. 15, lines 3-10 ("[T]wo electronic cameras can mutually communicate...."); col. 15, lines 20-22 ("[T]he image ... can be displayed on each respective LCD 6 of the electronic cameras"); col. 16, lines 24-36 ("[T]he image of the user A ... is displayed [on user B's camera]" and "[T]he image of the user B ... is

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displayed [on user A's camera]"); col. 23, lines 8-16 ("[T]he image which was input by the CCD 20 of the receiver is transmitted ... and is displayed on the LCD 6 of the sender."). Ejima does mention the possibility of connecting a video-enabled device with a non-video-enabled device. However, to the extent that Ejima does disclose such a communication, **Ejima consistently fails to disclose or suggest capturing and/or caching a video signal from the video-enabled device.**

In fact, Ejima follows the conventional thinking of those having ordinary skill in the art and **teaches away from Applicant's claimed invention.** To illustrate, Ejima teaches that, when a video-enabled device establishes a communication with a non-video-enabled device, the video-enabled device displays the message "connecting party does not have video telephone capability." Col. 25, lines 23-24 (emphasis added). Ejima does not teach or suggest retaining a video signal from the aforementioned communication for subsequent playback. Rather, Ejima teaches that, after displaying the message indicating to the user that the party to which he or she is connected does not have video capabilities, "the CPU 39 turns off the LCD" and carries out the communication with audio only. Col. 25, lines 27-32 (emphasis added); *see also* col. 28, lines 20-34 (explaining that, if a video-enabled device is connected to an "ordinary telephone," a message is displayed to the video-enabled user stating that the connecting party does not have video capabilities, "the LCD 6 is turned off, a sound signal is transmitted until it is determined that the conversation has ended, and when the conversation has ended, a communication end procedure is carried out"). As demonstrated above, Ejima not only fails to teach retaining a video signal from a communication with a non-video-enabled device, but specifically teaches that the video-

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enabled device's video components be turned off to allow for an audio only communication.

Bruno fails to provide any teachings or suggestion to fill in the gaps left by Ejima. Bruno discloses a system for recording and indexing content from a multimedia conference. Bruno says nothing, however, about determining that a device is not capable of displaying video signals, establishing two-way audio communication with such a device, and capturing and caching video signals generated by the device during the two-way audio communication. In fact, Bruno is clear that if a participant in a conference call (an "accessor") "does not have video capability at his workstation, the accessor **may only receive data, audio and/or text** [] from the stored multimedia conference record." Col. 9, lines 44-48 (emphasis added).

For at least the foregoing reasons, the cited prior art references, whether considered individually or in combination, fails to disclose each of the limitations in any of the pending independent claims. For at least the same reasons, each of the claims depending therefrom are also patentably distinct from the cited prior art.

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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